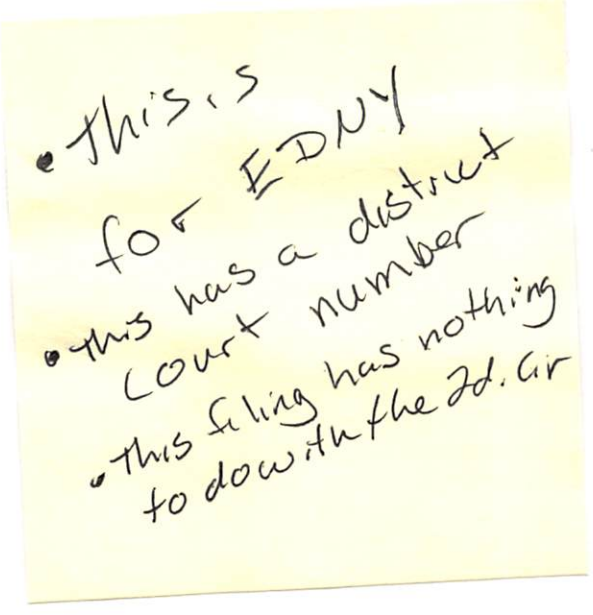
• this is
for EDNY
• this has a district
court number
• this filing has nothing
to do with the 2d. Cir

Lucio Celli
89 Widmer Road
Wappingers Falls, New York 12590
718-547-9675



UNITED STATES COURT OF FOR

EASTERN DISTRICT OF NEW YORK

LUCIO CELLI,

Appellant/Petitioner/Defendant,

vs.

United States of America,

Appellee/Respondent/Plaintiff

Case No.: 19-cr-00127
INJUCTION FOR JUDGE ENGELMAYER TO ANSWER



I request relief from Your Honor's inaction (because Randi Weingarten paid him[1]—like Judge Marrero, and Sen. Schumer is the middleman because he feels that Randi is like his sister. Also, it took Judge Engelmayer months to admit Sen. Schumer recommended him to Pres. Obama—I guess I was not crazy and stupid after all). I seek relief under fraud upon the court, so I make this request pursuant to:

> Your Honor was not a neutral arbiter as required by the Due Process Clause of the 5th and 14th Amendment. According to the 2d. Cir., "fraud on the court will, most often, be found where the fraudulent scheme defrauds the "judicial machinery" or is perpetrated by an officer of the court such that they cannot perform its function as a neutral arbiter of justice. See Martina Theatres Corp. v. Schine Chain Theartres, Inc., 278 F.2d 789, 801 (2d. Cir. 1980)

[1] I do not know this as a fact, but I did hear Randi pay Judge Marrero, who is a Schumer judge, and it fits into the narrative that I wanted/envisioned when I emailed Sen. Schumer in December of 2017 and then the judges in March of 2018 because Randi is predictable

**Appearance**: Your Honor used your office to help Randi retaliate against me because Randi has been doing this for years and you helped cover up what she has been hiding since Judge Marrero

~~28 U.S.C. § 2106, The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside, or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment,~~

~~Federal appellate courts' ability to assign a case to a different judge and it rests not on the recusal statutes alone, but on the appellate courts' statutory power to `require such further proceedings to be had as may be just under the circumstances,' 28 U.S.C. § 2106." Liteky v. United States, ___ U.S. ___, ___, 114 S. Ct. 1147, 1156-57 (1994).~~ **~~Thus we are empowered to "direct the entry of such appropriate . . . order. . . as may be just under the circumstances,"~~** ~~28 U.S.C. § 2106 (1994), including reassignment of the case where, in the language of 28 U.S.C. § 455(a) (1994), the district judge's "impartiality might reasonably be questioned." See Dyas v. Lockhart, 705 F.2d 993, 997-98 (8th Cir.) (remanding to another district judge to assure the appearance of impartiality, notwithstanding that appeal was from court's failure to recuse sua sponte and the issue was never raised in the district court), cert. denied, 464 U.S. 982 (1983). See also Ligon v. City of New York, 736 F.3d 118 (2d Cir. 2013)~~

~~**Please Take Notice,** this same statute can be used to put aside my conviction because it was product of intimidation because Judge Engelmayer told me what was and was not my intent (as it related to Sen. Schumer and Randi Weingarten) and then, the judge conspired with Mr. Silverman to deprive me of my right to a fair trial.~~

As for my second request, I request that the state and NYC DOE not be allowed to take any steps, as they relate to the matter in the appeals, against me until Judge Engelmayer and the Court of Appeal makes their determination because my claims are based on structural errors, like choice of lawyer and my conviction will be reversed--if Randi does not bride anyone, as usual and/or Sen. Schumer does not influence anyone for his sister Randi.

**Or and my preference**, I want an order that my 3020-a hearing be streamed live. At the hearing, I want everyone that I emailed (which Mr. Silverman lied about) present with Shannon Hamilton-Kopplin of the Senate Ethics committee, Sen. Schumer (of course), and the others from the DOJ who answered my letters. If this matter is litigated at 3020-a hearing, then there is no need for an appeal because I get Randi, Betsy and the Schumer judges who harmed me for Randi.

Also, order Mr. Silverman to send my papers to the DOJ

I am sending this to all senators, and I ask if anyone would like to testify at my 3020-a hearing **because** what Sen. Schumer did for Randi Weingarten and Betsy Combier is the exact conduct that he wanted Pres. Trump impeached for. This would not violate ethics

If anyone can forward my letters to Pres. Trump (he may not be the best choice, but I am sure he will love facts I have audio recorded, which relate to Sen. Schumer), I would love to him comment on Sen. Schumer helping Randi Weingarten.

If the court denies my motion—which I already know this will be the case, I need for any senator to press charges saying that I lied and I do not know the statute number because the truth is a defense…I just need one or any of House of Representative that my papers are sent to.

I request Sen. Schumer press Seditious Libel charges on the basis that I lied that he and his judges helped Randi Weingarten and Betsy Combier harass me, take away my constitutional rights, deprived me of liberty, robbed me, denied me of neutral judges, denied me of a neutral tribunal, and robbed my parents because the truth is a defense, as Randi Weingarten is like a sister to him.

To AG Garland/Pres. Biden:

You know, as a former judge, that the government needs to protect the integrity. I ask that you allow/force all AUSAs, who spoke to me or wrote to me, to appear at my 3020-a without a court order.

I do not question discretion, but I question the views on facts as I have AUSAs who said that EDNY deprived me due process of law, which cause my liberty to be taken away.

There are not 2 DOJs for facts, but there are many different discretions at the DOJ, and I must accept discretions without questioning it. I have AUSAs who told me that I was deprived of liberty because of Judge Cogan, as all procedural safeguards were not given to me—which are described in Bail Reform Act and the Salerno case. To be frank, I was not given ANY procedural safeguards and everyone else understood, but the IG's office stated nothing happened (the gist of the letter)

In determining whether to grant a preliminary injunction or temporary restraining order, a court must examine and weigh four factors: (1) whether the moving party has shown a strong likelihood of success on the merits; (2) whether the moving party will suffer irreparable harm if the injunction is not issued; (3) whether the issuance of the injunction would cause substantial harm to others; and (4) whether the public interest would be served by issuing the injunction. *Overstreet v. Lexington-Fayette Urban County Government*, 305 F.3d 566, 573 (6th Cir. 2002); *McPherson v. Michigan High School Athletic Ass'n*, 119 F.3d 453, 459 (6th Cir. 1997) (*en banc*). "These factors are not prerequisites but are factors that are to be balanced against each other." *Overstreet*, 305 F.3d at 573.

I believe what is below the line will be enough to meet the requirements from above. However, I ask to fully develop the argument, but I am without my regular computer.

Facts:

1. My structural errors are more than valid, and I have letters supporting my ineffective assistance claim from the DOJ, which is the REASON I did not want Mr. Silverman as a choice of lawyer and choice of lawyer is structural error
2. NYS policy, in terms of conviction, that teacher will be restored to his/her rights and position prior to conviction and providing that the conviction is overturned, and I do not have the NYS ED paper provides the full description, but Mr. Greene has my computer
3. Transcripts are not either fully develop or accurate or there are obvious omissions (which I believe were made intentionally)
4. My employer cannot make an accurate decision because the record does not have my plea was a product of intimidation or reasons my lawyers were ineffective, as examples
5. I would have gone to trial if I was not intimidated because my intent was to get justice for what the UFT and DOE has done to me with the fact that the judges helped Randi Weingarten and the UFT
6. 3020-a hearing will focus on my intent
7. I will not have a neutral arbitrator because the DOE and the UFT both must agree upon the arbitrator
8. Arbitrators make over 1,500 dollars a day
9. Therefore, the arbitrators will decide my case based on their finical needs
10. I do not my computer, but there is a Supreme Court case for arbitrators that deal with the issue of Tumey v. Ohio (like finical issues), but please accept this case Commonwealth Coatings Corp. v Continental Casualty Co, 393 US 145 (1968) for impression of arbitrator[2]
11. The award will be procured by corruption, fraud, or "undue means"—the only way Randi Weingarten knows how to win
12. Mr. Silverman was not my choice for lawyer, which is a structural error
13. Mr. Silverman and Judge Engelmayer denied me a defense of my choice and my intent, which are structural errors

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[2] The case that I speak about it a three panel arbitrator team

14. Judge Engelmayer was biased as he forgot the requirements to convict, see Tumey v. Ohio
15. I should prevail on appeal for my conviction of my criminal case, but this should be if Randi Weingarten or Sen. Schumer does not interfere with the decision making of the appeal—like all the other judges that I had
16. NYC DOE has not based their decisions of employment as required by NY Correction Law Art 23-a because I did not receive my retro money
17. According to Renee Campion (Commissioner of Labor Relations for NYC) and Alan Klinger, Esq of Strook, Strook, and Lavin, the CBA did not change NYC's Personnel Rules and Regulations: Rule 6.2.4 and that they apply to the CBA between the UFT and NYC (NYC's administrative statute)
18. Judge Donnelly (Schumer) said, "be happy that you still have a job" and Judge Engelmayer (Schumer) said, "you will not get justice here," but Randi paid Judge Marrero (Schumer judge) and Betsy Combier has the audio recording
19. Sen. Schumer said that Randi Weingarten is like a sister to him
20. Labor Relations for NYC and Strook, Strook, and Lavin are the agents who negotiate the contract, so they are the ones who TRULY understand the construction of the CBA
21. Peter Zucker read Judge Cogan's opinion (Doc. No. 37) 3 hours prior to it being posted on pacer.gov and then months later, he told me that he met with Betsy Combier, Randi Weingarten, Judge Cogan, and Randi Weingarten
    a. I cannot prove that he met with said people
    b. I can only prove what he said to me
    c. How did Peter know what Judge Cogan was going to write BEFORE it was posted for the public to see?
    d. I never received any exculpatory evidence from the DOJ on this issue, which I told my lawyers to ask
22. My lawsuit cited briefs from Strook and one of them was written by Judge Cogan, who worked at Strook with Randi Weingarten
23. It is court's policy (state and federal) to enforce arbitration decisions and my issues all stemmed from these decisions that were denied to me

24. NYC Personnel Rules and Regulations: Rule 6.2.4 states a break of service is anything above a year
25. I was denied retro payment because I was detained for 5 months; therefore, I did not have a break in service like the DOE and UFT told me
26. Shakira Price was detained after supposedly killing someone with a car (in the newspaper), but she received her retro money (she told me)
27. The DOE knew of my arrest prior to the US Marshalls filing a criminal complaint and sent a letter cutting off my health benefits
28. The DOE and the UFT called me on July 20, 2021 about my plea, which was a product of intimidation by Judge Engelmayer
29. The DOE is mad that I have documented the fact they screwed up with an AP smoking weed and not interviewing me, as the DOE brought up the ap on AP on sexual misconduct charges
    a. DOE muted my microphone, and it is on their website
    b. The DOE sent NYPD to threaten me to stay away from public meetings
30. The DOE and the UFT are mad at the fact that I have everything audio recorded and now, I have AUSAs to back me for what they have done to me
31. I called AUSAs, like Gold and Shaw, because the EDNY said nothing was wrong and nothing happened to me (paraphrased of AUSA Bensing's statement from February 5, 2019)
32. Please see 17-cv-00234, 18-cv-03230, 21-mc-01760, 19-cr-00127, 15-cv-03679, 17-cv-02239, documents under seal, and look at your own emails (the same ones sent to Sen. Schumer
33. Betsy Combier told me, prior to filing my lawsuit, that "if you continue to attack the UFT, Randi will be vindictive towards you, like what she did to the teachers in Teachers4action because she will find a way," which will we all know was a Judge Marrero case
34. Cathy Battle told me on the phone that if I continued with the lawsuit that the UFT would expose my rape, which was the emails that I sent to the UFT. And then, the pos the courage and pure GALL to allude to it at PERB and mentioned to DOJ in an email that Mr. Hueston said shit.

Below the line is a motion that Judge Engelmayer did not answer and is under seal because Randi Weingarten paid him because my employer will discipline me for what occurred in court and Judge Engelmayer committed a crime when he used his office for Sen. Schumer and Randi Weingarten because they were part of my intent.

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Dear Judge Engelmayer, Ms. Karamgios, Mr. Silverman, and Ms. Silverman.

**Re**: Since Your Honor deprived me of my own defense and my own intent. I request the following remedy; as what happened at bail hearings and plea proceeding, they will affect me at Ed. Law 3020-a hearing and the decision the DOE must make under NY Correction Law Art 23-a.

As I attempted to raise numerous times to my lawyers and judges, the fact that the bail/detention hearing effected substantial rights, which is liberty. **See** US v. Salerno, 481 US 739. In Salerno, the Court explained that Bail Reform Act was meant to protect the substantive right of liberty because the said act provided procedural safeguards so that government would not abuse the use of denial of bail and wrongly placed the accused under detention.

If Your Honor denies me this request; then I want to contact the Judicial Conference and 2d. Cir. under 28 USC § 2106

*Again*: **Please Take Notice**, I was deprived of all procedural safeguards mentioned in Bail Reform Act of 1984 and reiterated in US v. Salerno—everyone else sees it outside the 2d. Cir. because the way I have explained is the same.

**THERE CANNOT** be two realities and people understand me when I speak to people outside of the 2d. Cir. In addition, they were kind enough to provide advice to me on many issues that has been ignored by own lawyers.

**Please Take Further Notice**, the Court was clear, in Salerno, how the procedural safeguards in the Bail Reform Act of 1984 were meant to protect substantive right of liberty, which are protected by the Fifth Amendment and Fourteen Amendment of the Due Process Clause

**Please Take Even Further Notice**, I was prevented from litigating my substantive right of liberty by my own lawyers.

## I. Facts never presented at any bail hearing:

1. The US Marshalls did not believe that I was a danger to anyone
2. The US Marshalls wrote that I was a nuisance in their report
3. The US Marshalls told me that they waited to pick me up because I was not a danger to anyone, on 11/14/18
4. The judge took their sweet time to report the emails and never said that they were in fear of the times either
5. The AUSAs took over a year and half to produce the email from a judge. (if there are others, I have not looked at discovery)
    a. Request was made on 12/21/19
    b. The requested email, under protective order, was handed over on April 12, 2021
6. I informed each of my lawyers and the information was sent in an email sent to AUSA Bensing with other DOJ personnel that in US v. McCrudden, cr-11-061, Judge Hurely explains that how the US Marshalls responded to a supposed threat against a judge and the time it took the US Marshalls to contact the suspect are items to consider not detaining someone
7. Then, Judge Hurely explains that the amount of time the judges took to inform the US Marshalls is also another fact to consider whether to detain someone or not.

8. Your Honor asked the government to produce a statement about the bail hearing and AUSA Karamigios never did as Your Honor ordered.
9. Mr. Silverman said the time has passed to get a letter from AUSA Karamigios, but it only has passed, if Mr. Silverman does not provide Your Honor with a chance to answer or order AUSA Karamigios to file the letter.
10. The time has not passed because what happened will affect my job. I will explain how it will explain below.
11. Mr. Silverman knew, like my other lawyers, the US Marshalls wrote a report saying that I was not a danger to anyone but a nuisance, like the US Marshalls told me on 11/14/18.

## II. Ex Parte Conference

As I explained to Your Honor on April 16, 2021 and in the ex parte letters, AUSA Shaw told me to file a criminal complaint against my lawyers, who were, at the time that I spoke to her, Olivera, Weil, Hueston, and Taylor because they failed to present evidence and ask for new bail hearing. I feel that Your Honor prevents me from litigating my claims of ineffective assistance of counsel, so that I cannot claim Cronic or structural error or sue my lawyers. **Please Note**, the 1st and 2nd Departments told me to sue my lawyers because they know that they were harming me at the bail hearings and it will affect my job.

## III. The way the DOE will use the information from the Bail Hearing

The DOE will use the bail hearing, where Magistrate Scanlon denied me bail because I was danger to the community, as means to use it in at the 3020-a arbitration hearing. The arbitrator could read what the US Marshalls wrote, but the arbitrator will never hear the fact my lawyers, including Mr. Silverman, willfully excluded any evidence that I was not a danger to the community and the US Marshalls believed that I was not a danger to anyone.

As the transcripts will show, Judge Donnelly and Your Honor praised my lawyers. It is obvious that judges' opinion is weighed more than someone from the DOJ, AUSA Gold or AUSA Shaw.

## I. Correction Law Article 23-a

The following is the way the constitutional violations of the Bail/Detention hearing will affect my job, which I property interest as teacher. If Your Honor does not know, correction Law Art. 23-a is the mode employers make decisions about employees with convictions. I need Your Honor to carefully read 3(h) below because it deals with the fact that I was prevented from litigating the fact that I was not a danger to the community.

Your Honor remained silent or ignored the fact that I have AUSA Shaw telling me to file a criminal complaint against my previous lawyers at the ex parte conference, which I did with AUSA Bensing. Please see ex parte motions and transcript. Your Honor did not express anything, so I do not know how to classify lack of action.

a. The Following are the items that the DOE needed to consider for retro money and for whether to file charges under Ed Law 3020-a

1. Article 23-A requires employers to evaluate qualified job seekers and current employees with conviction histories fairly and on a case-by-case basis. The law specifies eight factors that employers must consider when evaluating an applicant with a prior conviction.
2. NY Correction Law requires the following actions to occur:
    a. Section 750. Definitions
    b. 751 Applicability
    c. 752 Unfair discrimination against persons previously convicted of one
    d. Or more criminal offenses prohibited.
    e. 753 Factors to be considered concerning a previous criminal
    f. Conviction; presumption.
    g. **754. Written statement**.
    **h.** 755 Enforcement.

3. Items that NYS Employers must consider when hiring or firing someone with convictions:

   a. New York State's public policy of encouraging the employment of persons with prior convictions.
   b. The specific duties and responsibilities necessarily related to the license or employment sought.
   c. The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his ability to perform one or more such duties or responsibilities.
   d. The time which has elapsed since the occurrence of the criminal offense or offenses.
   e. The age of the person at the time of the occurrence of the criminal offense or offenses.
   f. The seriousness of the offense or offenses.
   g. Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
   h. The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

4. Obviously, I can meet "g" (which is mentioned above): Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

   I am not worried about presenting evidence of "g"

5. But "g" does not replace the order that I was detained because of being dangerous to the community, as my lawyers intentionally failed to present evidence of what the US Marshalls wrote (I was a nuisance and not dangerous) or obtain from the DOJ that the judge took over two weeks to report the threat.

6. It is "h" the DOE will cite: "The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public" because I never got the chance to litigate the facts, I was not a danger to anyone (according to the US Marshalls) and given exculpatory evidence by the DOJ to show that the judge took their sweet time reporting my emails.

As Your Honor knows that it will be beyond difficult to overcome an order from the court saying that I am a danger to the community. I work with children and there are various statutes and various constitutional theories where the state must protect the public.

This is all understandable, but I would have been in a better position, if I would have been allowed to present evidence that I was not a danger to the community

7. A court saying that someone is a danger to the community is a powerful statement for the DOE to use against me, but I was denied the opportunity to present a defense where I would have litigated the fact that I was not a danger within the meaning of the Bail Reform Act of 1984 because the US Marshalls' report would have ruled out dangerous with the amount of time the judges took to forward the response.
8. I only had the US Marshalls telling me that I was not a danger to anyone, but I could not audio-record them, as I was in custody.
9. The email where the judges waited two weeks to report the threat is a powerful statement and they made no statement that they feared my emails, but **I need the protective order lifted to use at the 3020-a**
10. In US v. McCrudden, cr-11-061, Judge Hurely explains that how the US Marshalls responded to a supposed threat against a judge and the time it took the US Marshalls to contact the suspect are items to consider not detaining someone

11. In fact, Judge Hurely continues to explain that the time the judges took to forward the threat to the US Marshalls also shows the defendant was not a threat or a danger to the community.
12. Now, I have the US Marshalls' report to use, but the email from the judge (I will not say from whom because I do not if I could say the name, nor have I had an opportunity to view all evidence under the order) is under protective order.
13. I have emails and audio-recorded phone calls (from all the lawyers that I have had and including the current ones) where I explain what Judge Hurely said in the McCrudden case and I even sent the Judge Hurely's decision to each lawyer that I had and even to the current ones.
14. Betsy Combier said that Randi would have me fired if I mentioned the UFT in the lawsuit and that Randi Weingarten would be vindictive, like having Betsy placing my HIV status on her blog.
15. Then, there is the fact that the UFT threatened to expose my rape if I continued with my lawsuit
16. Judge Donnelly said, "just be happy that you have a job for now," which is in the transcript.

## II. I need Your Honor to address the above issues

I realize that Your Honor has discretion, but I was precluded from litigating a meritorious claim of constitutional violations at the bail/detention hearing, as Your Honor said: "you will not get justice here" because there is evidence that my lawyer knew of and the AUSA withheld from the hearings.

The issue should have been litigated was the fact that I was not a danger to the community. My lawyer's conduct was, in any meaningful way, to prevented from presenting evidence at any bail hearing. **In fact**, I was precluded by my lawyers to obtain a new bail hearing, which is statutory right and, let's be honest, it is constitutional violation to deny me access to the court to litigate issues—which was what Mr. Silverman did.

My lawyers new of evidence that I was not a danger to anyone and failed to obtain the exculpatory evidence from the AUSA but waited until the AUSA sent the needed evidence two and half years later. So, my lawyers knew of emails sent from judges to the US Marshalls and the fact that US Marshalls wrote that I was a nuisance and not a danger to anyone, which they wrote in their report to the court.

My lawyers knew and understood that what the US Marshall wrote in their report, the time the judges took to forward the email to the US Marshalls and Judge Hurely's decision in McCrudden echoes the previous two facts; these things were all needed to litigate the issue that I was not a danger to the community. After June 2, 2021, at the PSR interview, Mr. Silverman informed me that he had no idea why I referred to Judge Hurely.

Your Honor allowed Mr. Taylor, esq. to lie about the bail/detention hearing without me explaining.

Your Honor ignored the fact that AUSA Shaw told me to file a criminal complaint against my lawyers, which I did with AUSA Bensing, as I wrote in letters

I, in fact, found out that Your Honor is the person to present a habeas corpus petition too. Your Honor told me that I will not get justice in your courtroom.

## III. Has Mr. Silverman informed the DOJ how the DOE/UFT retaliated against me by depriving me retro money

It has been months since I told Mr. Silverman about the crime of retro money, which was also told AUSA Bensing. If Mr. Silverman cannot inform the AUSA now or the AUSA ignores my criminal complaint to protect the UFT/Randi Weingarten/Judge Cogan (I know the AUSA has discretion but the AUSA already covered up the crime between Judge Cogan and the UFT, and my current compliant is part and parcel to the aforementioned action) because, besides AUSA Shaw and AUSA Gold, I have

numerous DOJ personnel outside of the 2d Cir. who told me what is being done to me is a crime and AUSA Bensing lied about Judge Cogan on February 4, 2019

Ms. Shakira Price was given her retro money after being detained in jail, which is the read given to me as why I would be paid retro money.

I heard the audio-recording of Randi Weingarten paying Judge Marrero, but I did not hear the audio-recording of Randi Weingarten attempting to bride Ed Fagan, which Betsy Combier has, and this recording is not in discovery.

I request Mr. Silverman's financials because he has gone of his away to harm and deprive of everything constitutional right. In addition, I request all financials from each lawyer that I had.

I do not have any doubts that Mr. Taylor, esq. did not tell the DOJ what the DOE/UFT did to me is crime. I have so many DOJ personnel, from outside of the 2d. Cir., telling me it is a crime.

I am baffled by Your Honor's comment that my lawyers have worked hard for me because no one else sees that whatsoever.

Example:

| Statements said to Your Honor | Your Honor's Reponses | The Facts that have not changed |
|---|---|---|
| (1)I told Your Honor that under the Bail Reform Act allows defendants to present evidence that was not present prior to the court and could be | Nothing | The Bail Reform Act is clear, and evidence was not presented to the court. |

| | | |
|---|---|---|
| presented to the court up until trial. | | |
| (2)I told Your Honor that my lawyers knew of a report from the US Marshalls saying that I was not a danger, but a nuisance | Nothing | Besides what I mentioned above, AUSA Shaw told me to file a criminal complaint, which I did with AUSA Bensing |
| (3) Then, Your Honor allowed Mr. Taylor to lie about the bail/detention hearing | Your Honor became enraged and said, "How you disparage Mr. Taylor…" | Same as the two above |
| (4)I asked Your Honor Mr. Silverman to address the fact of the Bail Reform Act | Silence | The same as the first two |
| (5) Mr. Silverman said Mr. Celli's issue with bail is better suited for a habeas corpus petition. | Your Honor answered, "So, Mr. Celli wants you to file motions that you cannot." | The same as the first two |
| (6) Now, rule 52(b) is the final way to litigate the issue that I was not a danger to the community or anyone, but a nuisance, like the US Marshalls wrote, the reason they waited to come to get me, and why the judges took two | ??? I prayer that Your Honor will provided me with relief from the constitutional violations, as Your Honor promised the Senate Judiciary Committee and it is same issue that the Supreme Court requires of | Just like the Bail Reform Act, rule 52(b) allows defendants to litigate issues that affected their rights.<br><br>What happened at the hearings is still a crime and my lawyers |

weeks to forward the first email.

lower courts, but I have to for Your Honor's discretion.

were given to me to protect my rights, according to various DOJ personnel outside the 2. Cir.

Conclusion

I would like to know how the DOJ and/or the court is going to help me with this because it is within your (judge's or AUSA's) discretion to help me or not.

I checked with many DOJ personnel about whether a motion could have been place prior to trial or not, like the Bail Reform Acts states, and everyone said, "yes, if there was evidence not presented at any bail hearing"—wow, it is the same as it is written in the statute, but Mr. Silverman told Your Honor otherwise.

Your Honor, however, believes that I want my lawyers to file things that they cannot, please explain because there cannot be two realities and the DOJ told me that the Bail Reform Act has not changed. What the DOJ told me about the Bail Reform Act is the same as what I told Your Honor in person and in writing. What am I missing? I would like to understand

Your Honor said that I could not seek justice for what happened at the bail/detention hearing at trial and my lawyers did not want to obtain a new bail hearing because they lied to Your Honor and Judge Donnelly, but I have AUSA Shaw saying it is a crime..

1. **Remedy for not being allowed to litigate not being a danger to the community**: I need Your Honor to order the following individuals to be present at my 3020-a hearing:

   Magistrate Scanlon (clerked for Judge Katzman), Chief Judge Brodie (Schumer judge), Judge Katzman (Schumer judge), Judge Hurely, Judge Donnelly (Schumer judge), Magistrate Bulsura, Judge Engelmayer (Schumer judge), Sen. Schumer—he believes Randi [Weingarten] is like a sister to him and he would do anything for her (in a video to AFT members) and I have an email response from the senator that is under seal, Judge Cogan, AUSA Brady, AUSA Bensing, AUSA Gold, AUSA Shaw, AUSA Bensing, AUSA Karamigios, any AUSA that I spoke to over the course of two years or I have emails from, US Marshalls, Ms. Olvera, esq., Mr. Weil, esq., Ms. Gerlant, esq., Mr. Hueston, esq., Mr. Taylor,

esq., Mr. Silverman, esq. Ms. Silverman, esq., Randi Weingarten, esq. or "evil mob boss", and Betsy Combier, all present for my 3020-a hearing **because** I need to present evidence as to why I was denied all procedural safeguards in federal court, as it is the only way to show that I was not a danger to the community, like present evidence of US Marshall reports that I was not a danger, but a nuisance. T

a. What I was prevented from litigating in federal court by each lawyer that I had, I will need to litigate the issues at the 3020-a because it will be all related to the 3020-a proceeding. **The bottom line is**, the Bail Reform Act of 1984 is clear on procedural safeguards and then, the Supreme Court highlighted the procedural safeguards, in US v. Salerno, 481 US 739, because the procedural safeguards were meant to protect substantive rights of the accused, such as liberty and impede the government from misusing detention as a means to retaliate against the accused, which is the defense given to me by the DOJ and Your Honor would not allow me to have my own defense of choice.
b. Having everyone that I mentioned in A is the only way to present a defense at 3020-a that was denied to me in federal court by my own lawyers
c. I have audio-recordings of my lawyers, but they cannot be forced to attend
d. I have audio-recordings of DOJ personnel, but I can try to subpoena under a certain doctrine—but this is not a guarantee, Your Honor grants my request
e. I have audio-recordings of various law enforcement agencies, but they cannot be forced to attend (I have to find out about NYPD, since they work for NYC)
f. I have the transcripts, but the DoE cannot cross-examine anyone
g. I believe I can have Randi Weingarten because NYC is her original place of employment and, for sure, the UFT Pres on down collects a

UFT salary and a DoE salary, so this makes them NYC employees too—Randi said that the UFT is her home union, but we shall see.

h. My lawyers had up until trial to present any evidence not given to the court, which I cited in my motions and at the ex parte conference with Your Honor because it is a statutory right.

i. DOE can only force employees to testify at 3020-a hearing and others have a choice, as this is my understanding.

j. Your Honor did say, "you will not get justice here" and now without the opportunity to litigate the fact that I was not a danger to the community with proof, from the US Marshalls wrote, that I was a nuisance; then, I will not have hope.

k. My lawyers prevented me from obtaining exculpatory evidence of my subjective intent and Your Honor concurred with them, which is act of taking my will from me.

l. My lawyers prevented me from presenting any meaningful defense to anything and Your Honor concurred with part of it and then, the judges aided my other lawyers, which took my will from me.

m. My lawyers prevented me from litigate the fact the US Marshalls deprived me of a fair trial with their reports

n. My lawyers prevented me from litigating that my confession was not voluntary and promised to put a suppression motion

o. My lawyers prevented me from litigating AUSAs' misconduct and I have AUSA Gold saying AUSA Bensing did commit misconduct about lying about Judge Cogan and the UFT.

    i. Somehow, according to Mr. Silverman, it would be an ethical violation if he placed the motion on the docket, but the 1st and 2nd Departments told me that it would be an ethical violation if Mr. Silverman did not to place the motion on the docket because they recognized the misconduct of the AUSAs too. In fact, I did not even say what AUSA Gold told me…all I did was state the facts

ii. There cannot be two realities

p. The various issues under mandatory recusal which impeded me from litigating

q. My lawyer prevented me from litigating the issue of recusal of the AUSAs

r. My lawyer prevented me from litigating the issue that the AUSAs deliberately destroyed evidence, which is linked to AUSA Bensing's misconduct in court, the US Marshalls' threat, and other issues under seal

s. There are other issues that I was prevented from litigating

2. **Remedy**: Judge Engelmayer, may I use the transcript (from the April 16th ex parte conference) with my motions/letter under seal at my 3020-a. I have the transcript and I have what Mr. Silverman placed under seal, but I do not know if I need Your Honor's permission to use them because I rather use the official ones. **Please take Notice**, I have Mr. Silverman telling me that I can use them

> Your Honor allowed or you did not realize it, but Mr. Silverman lie about Bail Reform Act of 1984 when he said "it better that Mr. Celli file a habeas corpus," which Your Honor eagerly responded by saying, "so Mr. Celli wants you to files things that you cannot."
>
> Bottom line is the Bail Reform Act of 1984 provides the defendant to present evidence that was not presented to court and this right is valid up until trial, which I mentioned at the ex parte conference, and Your Honor did not say anything.
>
> Please check the transcript

3. **Remedy**: Your Honor asked the AUSA Karamigios to file a letter with the court about the bail/detention hearing, I ask that AUSA Karamigios do as Your Honor ordered.

4. **Remedy:** I request that there be a stipulation of that I was not danger to anyone but a nuisance like the US Marshalls wrote because I precluded from litigate the issue and my lawyers knew of evidence that I was nuisance and not a danger to the community, according to the US Marshall

5. **Remedy**: I request that the DoE be precluded from using anything from this case because my lawyers prevented me from exercising my statutory rights to present evidence that I was not a danger to the community and prevented me from litigating other issues too.

I am praying for a remedy that Your Honor can, within your discretion, provide me because Your Honor promised to protect individual constitutional rights at your senate confirmation hearing. From watching Your Honor speak about your time clerking for Justice Marshalls, I believe you are a person of your word.

I understand, moreover, that Your Honor could grant me only one remedy listed, all remedies listed, or none, as it is within Your Honor's discretion and I say this with Your Honor's acknowledgment of constitutional violations, as you already told once, "you will not receive justice here."

Lastly, AUSA Shaw told me that it was a crime not to present evidence, known to the lawyers, to the court because they are impeding the court from reaching a correct and just decision, as the stated facts are needed to reach such decisions. What AUSA Shaw said is seen in the Bail Reform Act, in the Salerno decision, and other decisions by the Supreme Court, but my lawyers tell me that "they can't do it" or "it will harm you."—there is a disconnect.

It does not appear AUSA Shaw is lying to me because what she said to me, I can read in the statute and in Supreme Court decisions. I wonder who is lying…hmmm

I request a temporary injunction of any disciplinary decision on criminal conviction because the record is not fully developed in court and my employer does not have all the records under seal to make a proper decision, as required by NYS law and I wrote this to Judge Engelmayer and I knew he would ignore it, like Randi paid Judge Marrero, which is the reason that I sent the SAME documents to congress

Or wait until the appeal is done and if there is a new trial

I request that you and order anyone that has information or who works for the UFT/AFT/DOJ and others to appear at my 3020-a hearing

I request that the court order the DOE and the UFT to explain why I was deprived of my retro money and that it had nothing to do with retaliation. DOE is required to provide one under NYS Law Art. 23-a and correction law 750 (somehow they are related or the same but I do not have my computer to know for sure)

Dated this 11th of October, 2021.

_____

Lucio Celli, Defendant

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